

United States Courts
Southern District of Texas
FILED

MAR 04 2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Nathan Ochser, Clerk of Court¹

TIMOTHY AGUILAR
Plaintiff

Case No. 4:22 CV 694

v.

SUNRUN INC
Defendant

JURY TRIAL DEMAND

COMPLAINT

Plaintiff **Timothy Aguilar** ("Plaintiff") in pro se, alleges the following against **Sun Run Inc** (Defendant) and unknown third-parties directed by Defendant:

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. §227 and § 302.101 of the Texas Business & Commercial Code. Defendant is a solar company that markets and installs solar panels systems in numerous states throughout the United States.

1.1 To promote its services and solicit new clients, Defendant engages in telemarketing utilizing prerecorded voice calls without the proper consent and even after consumers request to no longer receive calls, Defendant continues in their barrage of calls resulting in invasion of privacy, harassment, aggravation and disruption of plaintiff's daily life activities.

JURISDICTION AND VENUE

2. This Court has subject-matter jurisdiction over the TCPA claims in this action under 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States. *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 386-87 (2012)

(confirming that 28 U.S.C. § 1331 grants the United States district courts federal-question subject-matter jurisdiction to hear private civil suits under the TCPA).

3. This Court has personal jurisdiction over Defendant conducts business in the State of Texas.

4. Venue is proper under 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Pasadena, Texas, 77503.

6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

7. Defendant is a business entity with principal place of business, head office, or otherwise valid mailing address at 225 Bush Street Suite 1400, San Francisco, California 94104.

Registered Agent for Service of Process – CSC Lawyers Incorporating Service - 2710 Gateway Oaks Drive – Suite 150N, Sacramento, CA 95833

8. Defendant is a “person” as that term is defined by 47 U.S.C. § 153(39).

9. Unless otherwise indicated, the use of Defendant’s name in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, vendors, and insurers of Defendant.

FACTUAL ALLEGATIONS

10. Plaintiff has a personal cellular telephone number ending in 7311.

11. Plaintiff has only used this phone number ending in 7311 as a personal cellular telephone.

12. Defendant & 3rd parties directed by Defendant have placed a “multitude” of unsolicited & harassing calls to Plaintiff on his personal cellular phone for solicitation purposes.

12.1 Plaintiff told Defendant’s agents, representatives, assigns, employee’s in specifically Gabriel, Abdul, Voorhees, Clinton, Kennedy, Mombai and Lincoln (a) to stop calling him he was not interested in buying any services or products; (b) to remove his number from their system; (c) Plaintiff informed defendant’s agent’s and or employees that he was on the Do Not Call registry & terminated the conversation; (4) On different times, plaintiff informed these individuals that he was at work and to stop calling. Defendant & third-parties directed by Defendant still kept calling in soliciting their solar energy products to plaintiff in the following months.

13. Defendant was calling regarding the solicitation of solar energy products and or services to be installed at Plaintiff's residence.

14. Plaintiff did not request any type of information from Defendant or third parties directed by Defendant about solar energy services or products to be installed at his residence. Defendant did not have any type of consent to contact Plaintiff on a consistent basis starting around February 2021 and continuing into February 2022 with sixty-five (65) or more unwanted calls to Plaintiff's cellular phone.

15. Plaintiff was *not interested* in purchasing solar energy products and or services and did not seek information regarding Defendant services at any time.

16. When placing these calls to Plaintiff, Defendant used an automated telephone dialing system , artificial and/or pre-recorded voices.

17. Plaintiff knew Defendant was using an automated telephone dialing system and/or a pre-recorded message as there was a noticeable "bloop" sound and/or pre-recorded message that played prior to a live person coming on the line.

18. Plaintiff has been on the National and or Federal Do Not Call Registry since September 29, 2011 in order to obtain and or enjoy solitude from disruptive and consistent solicitation calls from telemarketers. *See Exhibit A.*

19. Defendant's calls were not made for "emergency purposes."

20. In order to ascertain the identities and or origins and location of Defendant, who initiated the repetitive calls with a pre-recorded message from "Billie or Mika from Green Energy." Another fictitious and spoof phone number that Defendant utilized. Plaintiff went along with Defendant's agent named Hakim and went thru the dual verification process to get to the next level. Plaintiff, next spoke with Defendant's employee named David Perkins (who also made numerous calls and sent texts to plaintiff's cell number thereafter from 239-510-8053) and receiving Defendant's proposal, hence, the identity of the TCPA violator discovered. *See Exhibit "B".*

21. Defendant's incessant calls were bothersome, disruptive and frustrating for Plaintiff to endure. Defendant's multitude of calls were made to Plaintiff while he was at work. (*See Exhibits C-J, screenshots of missed & taken calls from Defendant*) Plaintiff kept receiving Defendant's local call's (from spoof numbers) daily and weekly during the 2021 year and when he heard Billie or Mika from Green Energy, he hung up.

22. Defendant, or any of their employees, heirs, representatives, assigns, members, are not registered as telephone solicitor(s) with the Texas Secretary of State as required by the Texas Business and Commerce Code.

23. This was confirmed by checking if Defendant or any of their employees, members, assigns, representatives were registered at: <https://direct.sos.state.tx.us/telephone/TelephoneSearch.asp>.

24. Upon information and belief, Defendant conducts business in a manner which violates the Telephone Consumer Protection Act, and, the calls made by Defendant and third parties directed by Defendant, violate Texas law by spoofing the caller ID's per 47 U.S.C. § 227(e), which violate Texas statute. *Texas Business & Comm. Code 305.053*

COUNT I
DEFENDANT VIOLATED THE TCPA 47 U.S.C. § 227(B)

20. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

21. The TCPA prohibits placing calls using an automatic telephone dialing system or automatically generated or prerecorded voice to a cellular telephone except where the caller has the prior express consent of the called party to make such calls or where the call is made for emergency purposes. 47 U.S.C. § 227(b)(1)(A)(iii).

23. Defendant initiated multiple telephone calls to Plaintiff's cellular telephone number using an automatic telephone dialing system.

24. The dialing system used by Defendant to call Plaintiff's cellular telephone calls telephone numbers without being prompted by human intervention before each call.

25. The dialing system used by Defendant to call Plaintiff has the present and/or future capacity to dial numbers in a random and/or sequential fashion.

26. Defendant's calls were not made for "emergency purposes."

27. Defendant's calls to Plaintiff's cellular telephone without any prior express consent.

28. Defendant contacted Plaintiff despite the fact that Plaintiff has been on the Do Not Call Registry for almost a decade and remains active on the national Do-Not-Call Registry as of date.

29. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

30. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

31. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

COUNT II
DEFENDANT VIOLATED THE TCPA 47 U.S.C. § 227(C)

32. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

33. The TCPA prohibits any person or entity of initiating any telephone solicitation to a residential telephone subscriber who has registered his or her telephone number on the National Do-Not-Call Registry of persons who do not wish to receive telephone solicitations that is maintained by the Federal Government. 47 U.S.C. § 227(c).

34. Defendant contacted Plaintiff despite the fact that Plaintiff has been on the Do Not Call Registry.

35. Defendant called Plaintiff on two or more occasions during a single calendar year despite Plaintiff's registration on the Do Not Call list. See Exhibit A.

36. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff even after being told to cease and desist from calling plaintiff's cell number on multiple occasions.

37. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

38. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

COUNT III
DEFENDANT VIOLATED § 302.101 OF
THE TEXAS BUSINESS & COMMERCIAL CODE

39. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

40. §302.101 of the Texas Business & Commerce Code prohibits sellers from engaging in telephone solicitation from a location in this state or to a purchaser located in this state unless the seller obtains a registration certificate from the Office of the Secretary of State for the business location from which the solicitation is made.

41. Defendant violated § 302.101 of the Texas Business & Commercial Code when its representatives engaged in continuous and repetitive telephone solicitation of Plaintiff without obtaining a registration certificate from the Office of the Secretary of State.

42. §302.302(a) of the Texas Business & Commerce Code provides that a person who violates this chapter is subject to a civil penalty of no more than \$5,000 for each violation. Furthermore, §302.302(d) provides that the *party* bringing the action is also entitled to recover all reasonable cost of prosecuting the action, including court costs and investigation costs during discovery, deposition expenses, witness fees that will be required and needed upon the trial before a jury.

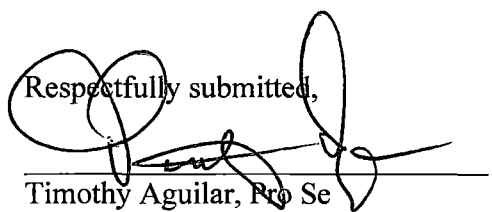
Wherefore, Plaintiff, **Timothy Aguilar**, respectfully prays for judgment as follows:

- a. All actual damages Plaintiff suffered (as provided under 47 U.S.C. § 227(b)(3)(A)) and §302.302 of the Texas Business and Commerce Code
- b. Statutory damages of \$500.00 per violative telephone call (as provided under 47 U.S.C. § 227(b)(3)(B));
- c. Additional statutory damages of \$500.00 per violative telephone call (as provided under 47 U.S.C. § 227(C);
- d. Treble damages of \$1,500.00 per violative telephone call (as provided under 47 U.S.C. § 227(b)(3));
- e. Additional treble damages of \$1,500.00 per violative telephone call (as provided under 47 U.S.C. § 227(C);
- f. Injunctive relief (as provided under 47 U.S.C. § 227(b)(3) and (c)
- g. Statutory damages of \$5,000 per violation (as provided under §302.302(a) of the Texas Business & Commerce Code);
- h. All reasonable witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to §302.302(a) of the Texas Business & Commerce Code;
- i. Any other relief this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

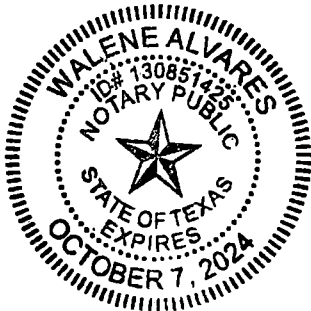
Please take notice that Plaintiff, **Timothy Aguilar**, demands a jury trial in this case

Respectfully submitted,


Timothy Aguilar, Pro Se
2807 Randolph Road
Pasadena, Texas 77503
locateutoday@aol.com

State of Texas §
 §
County of Harris §

BEFORE ME, appeared Timothy Aguilar, identified to me by Texas Identification, and states that the statements made within the complaint are true and correct and exhibits attached to the complaint are true and correct and based on personal knowledge and copies of originals.



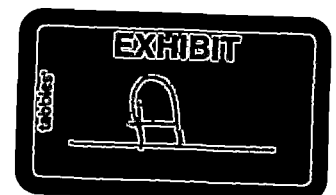

NOTARY PUBLIC in and for
THE STATE OF TEXAS

From: Verify@DonotCall.gov,
To: locateutoday@aol.com,
Subject: National Do Not Call Registry - Your Registration Is Confirmed
Date: Thu, Aug 1, 2019 4:56 pm

Thank you for registering your phone number with the National Do Not Call Registry. You successfully registered your phone number ending in 7311 on September 29, 2011. Most telemarketers will be required to stop calling you 31 days from your registration date.

Visit <https://www.donotcall.gov> to register another number or file a complaint against someone violating the Registry.

Please do not reply to this message as it is from an unattended mailbox. Any replies to this email will not be responded to or forwarded. This service is used for outgoing emails only and cannot respond to inquiries.





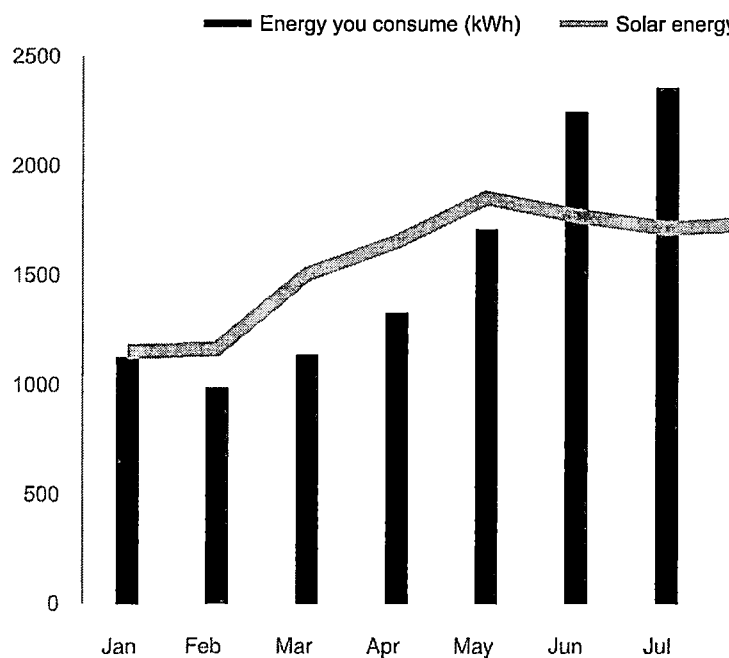
Sunrun BrightSave Prepaid® Proposal

Customized for:

Timothy Aguilar
2807 Randolph Rd
Pasadena, TX 77503

asm

Your system and future energy profile with S



13.51 kW DC
Solar System

37 Solar Panels
37 Inverter(s)

Generate an est. **18,040 kWh**
of electricity in year 1

The system design may change based on a detailed engineering site audit. Actual system production, offset and savings will vary based on the final system size, design, rebates, system location, local climate, and your family's energy usage. Depending on the jurisdiction in which your system is located, your system may produce solar renewable energy credits (SRECs). For more information about SRECs, consult <https://sretrade.com/> and <https://resource-solutions.org/wp-content/uploads/2015/07/Guidelines-for-Renewable-Energy-Claims.pdf> for more information about how SRECs produced by your system will be treated. ©2016 Sunrun, Inc. All rights reserved. CSLB License No. 969975 E. Proposal ID: PK4VK4C39DK7-A. Pricing varies by location.



BrightSave

ENJOY BEST-IN-CLASS SERVICE AND WHEN YOU GO SOLAR WITH SUNRUN

Sunrun installs your system free of charge

We handle installation start to finish, so you don't have to worry about a thing.

You prepay Sunrun for 25 years of electricity and save more

You lock in clean, renewable energy for 25 years.

SUNRUN
GUARANTEE

We guarantee that your system will
your contract.

- We will monitor your system daily to make
- If your system stops working, we will repair
- If your system doesn't produce 90% of our

ADDITIONAL PROTECTIONS

Roof Penetration Warranty

We warrant that our roof
penetration will be
watertight for a full decade

Free Overproduction

If your system produces
more energy than we
estimate, it's yours- for free

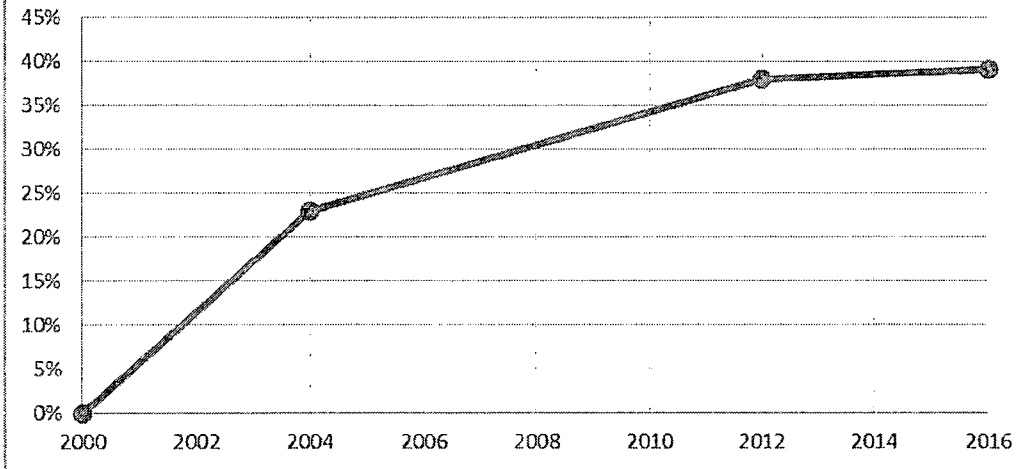
Service Transfer Guarantee

If you move, we guarantee
the new homeowner will
qualify for our service

BrightSave

Since 2000, Texas Utility Rates have risen up to 39%*
What will your rates be in 20 years?

Utility Rate Increases in Texas (2000-2016)



Implied Year 1 Energy
Rate**

Federal Solar Tax Credit

Your Cost Today

(includes tax)

Est. Monthly Utility Bill

Sunrun can meet 101% of your energy needs for \$19,987

*See <https://www.eia.gov/electricity/data/eia826/>. **Sunrun estimates your year 1 energy rate with your utility by dividing your estimated annual utility bill by your estimated annual production. To calculate your year 1 Sunrun energy rate by dividing your annual Sunrun bill by your solar system's annual production. All utility costs and savings estimates assume you are with a utility, A Shell Energy North America Subsidiary ("MP2") and enroll in the Solar Buyback Plan. MP2 is not affiliated with Sunrun. MP2 rates or charges reflected in this document are for informational purposes only.

proposal does not factor any early termination or retail electricity provider transfer cost that may be associated with switching providers. This proposal is an estimate of production or savings. The system design may change based on a detailed engineering site survey. Actual system production and savings will vary based on the final system design, applicable rebates, actual sales tax owed by you, and your family's energy usage. ©2016 Sunrun, Inc. All rights reserved. CSLB License No. 969975 E. Proposal ID: P-1234567890 days after 2/10/2022.

Go solar with Sunrun in 7 simple steps



SITE SURVEY



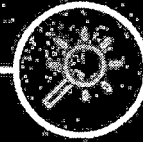
FINAL DESIGN



PERMITTING



INSTALLATION

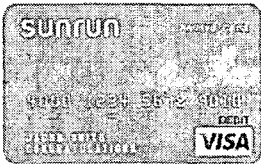


INSPECTION



UTILITY
CONNECTION

Referrals



Get \$350 for each person you refer that goes solar

We've paid out over \$7 million dollars in referral bonuses!



From: locateutoday@icloud.com,

To: locateutoday@aol.com,

Subject: Screenshot 2022-02-10 at 10.37.37 AM

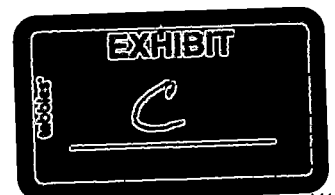
Date: Thu, Feb 10, 2022 10:37 am

Attachments: Screenshot 2022-02-10 at 10.37.37 AM.png (184K)

Green energy again

Sent from my iPhone

1 Attached Images



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To: locateutoday@aol.com,

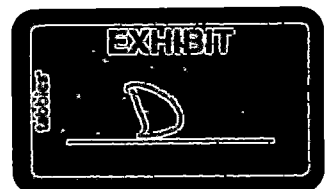
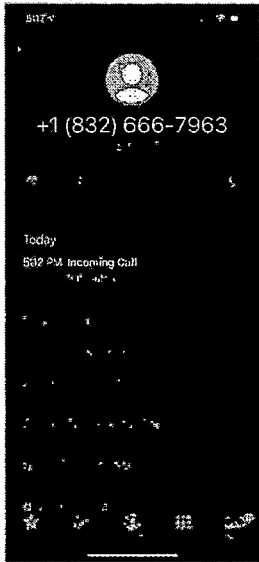
Subject: Screenshot 2021-04-08 at 5.17.03 PM

Date: Thu, Apr 8, 2021 5:17 pm

Attachments: Screenshot 2021-04-08 at 5.17.03 PM.png (275K)

Green energy Mika. Operator

1 Attached Images



From: locateutoday@aol.com,

To: locateutoday@aol.com,

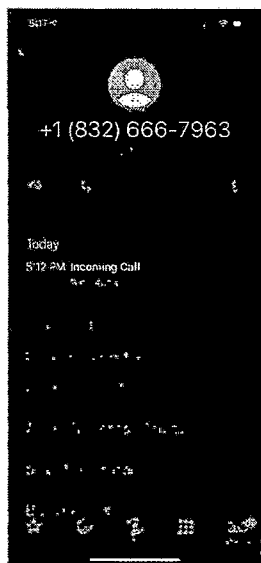
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Date: Thu, Apr 8, 2021 5:17 pm

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Green energy

1 Attached Images



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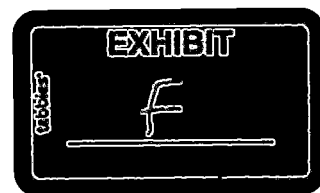
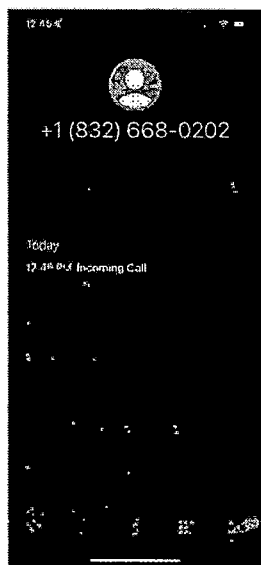
Subject: Screenshot 2021-03-10 at 12.46.54 PM

Date: Wed, Mar 10, 2021 12:47 pm

Attachments: Screenshot 2021-03-10 at 12.46.54 PM.png (278K)

Billie with green energy

1 Attached Images



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To: locateutoday@aol.com,

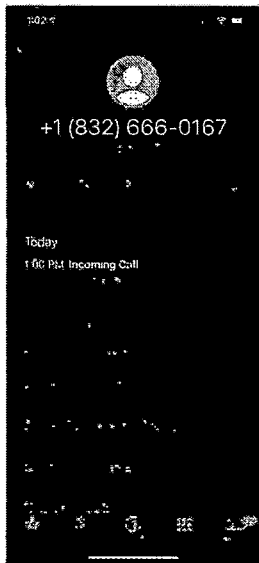
Subject: Screenshot 2021-03-15 at 1.02.10 PM

Date: Mon, Mar 15, 2021 1:02 pm

Attachments: Screenshot 2021-03-15 at 1.02.10 PM.png (277K)

Green energy Billie

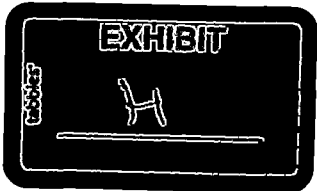
1 Attached Images



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To: locateutoday@aol.com,
Subject: Screenshot 2021-02-11 at 9.24.00 AM
Date: Thu, Feb 11, 2021 9:24 am
Attachments: Screenshot 2021-02-11 at 9.24.00 AM.png (347K)

Green energy the 1st 3

1 Attached Images



From: locateutoday@aol.com,

To: locateutoday@aol.com,

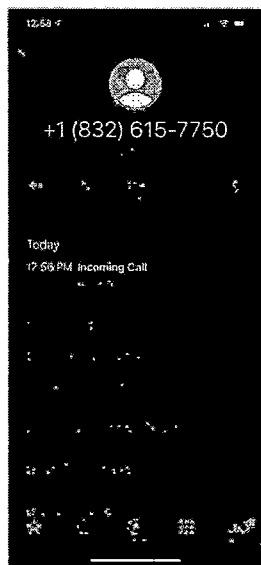
Subject: Screenshot 2021-04-20 at 12.58.43 PM

Date: Tue, Apr 20, 2021 12:59 pm

Attachments: Screenshot 2021-04-20 at 12.58.43 PM.png (277K)

Billy with green energy

1 Attached Images



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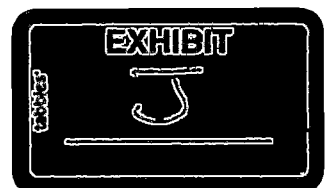
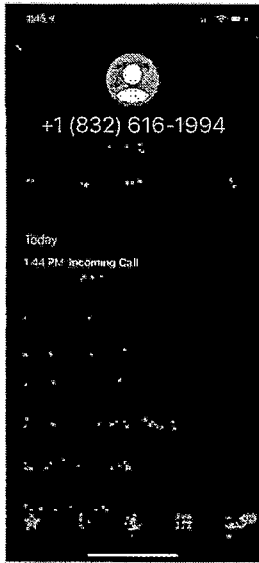
To: locateutoday@aol.com,

Subject: Screenshot 2021-03-05 at 1.45.30 PM

Date: Fri, Mar 5, 2021 1:45 pm

Attachments: Screenshot 2021-03-05 at 1.45.30 PM.png (273K)

1 Attached Images



JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Timothy Aguilar

(b) County of Residence of First Listed Plaintiff Harris
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Timothy Aguilar, Pro Se
2807 Randolph Rd, Pasadena, Tx 77503 - 832-689-7311

DEFENDANTS

SunRun Inc

County of Residence of First Listed Defendant San Francisco, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer-Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input checked="" type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. Sect. 227(B) and (C)

Brief description of cause:

PLaintiff is on Do Not Call Registry since 9-29-2011 - Def. made over 65 calls to Plaintiff's cell phone in a years time, even after beng told to stop ca

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$167,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

March 3, 2022

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE